Operation of the 10-Day Rule DISMISS **Def Personally Good Cause** Defendant in IF CUSTODY YES NO Waives 10-Day NO Shown for custody? **SOLELY ON** Rule? Continuance? COMPLAINT* Ш Apply the 60-Grant Day Rule Solely on this Continuance NO Complaint?* AND Defendant requested setting beyond 10 days Capital Case - proof evident / presumption great **Mandatory OR** release Witness unavailable due to action of pursuant to PC defendant NO 859B 1318 *UNLESS* . Counsel is ill 10-DAY DISMISSAL. Counsel unexpectedly in jury trial **DISMISS ONLY** Unforeseen conflict of interest requiring new counsel IF 60-DAY **RULE** * *i.e.*, "in custody for reasons solely IF none of these 6 factors specified in 859b attributable to the charges to be apply, defendant to be OR'd upon

adjudicated at the preliminary

examination"? Standish, fn. 2

VIOLATED

[Flowchart Revised December 2007.BHF]

execution of the written OR release

agreement required by PC 1318.